
UNITED STATES DISTRICT COURT

for the
District of Hawaii

United States of America)	Case No.: 02-00351 SOM
v.)	USM No.: 89-056-022
FREDERICK DURLAO)	
)	
Date of Previous Judgment: March 31, 2003)	<u>Alexander Silvert</u>
(Use Date of Last Amended Judgment if Applicable))	Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 92 months **is reduced to time served**.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 24	Amended Offense Level: 23
Criminal History Category: V*	Criminal History Category: V
Previous Guideline Range: 92 to 115 months	Amended Guideline Range: 84 to 108 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): "Time served" results in a sentence that is below the amended guideline range. The court imposes "time served" in light of the parties' stipulations and the defendant's satisfactory institutional adjustment, including his completion of the incarceration portion of the Residential Drug Abuse Program.

III. ADDITIONAL COMMENTS

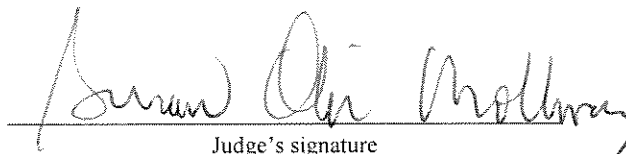
It appears that the original Presentence Report may have been in error in determining Mr. Dumlao's sentencing range, as the Probation Department now notes that his total offense level should have been one level higher: 25 rather than 24. this results in a new total offense level of 23 rather than 22.

Except as provided above, all provisions of the judgment dated March 31, 2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: June 20, 2008

Effective Date: _____
(if different from order date)


Judge's signature

Susan Oki Mollway, United States District Judge
Printed name and title

United States v. Dumlao; Case No.: 02-00351 SOM, USM No.: 89-056-022
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